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JUSTICE

Vol.40 ACTUALITÉS - REPORT No.3

CANADIAN CRIMINAL JUSTICE ASSOCIATION - ASSOCIATION CANADIENNE DE JUSTICE PÉNALE

**CCJA SERIES 2025
SERIES ACJP 2025**

**GENERAL TOPICS
SUJETS GÉNÉRAUX**

**INTERNATIONAL
PERSPECTIVES**



**CCJA INTERVIEW
WITH DIRK YOUNG**



ONLINE - EN LIGNE : CCJA-ACJP.CA

The JUSTICE REPORT contains information of value to Association readers and the public interested in matters related to the administration of justice in Canada. Opinions expressed in this publication do not necessarily reflect the Association's views, but are included to encourage reflection and action on the criminal justice system throughout Canada.

For more information on the activities of the CCJA, please contact:

L'ACTUALITÉS JUSTICE renferme des renseignements utiles aux lecteurs de l'Association et au public qui s'intéressent aux questions relatives à l'administration de la justice au Canada. Les opinions qui sont exprimées ne reflètent pas nécessairement les vues de l'Association, mais y figurent afin d'encourager à réfléchir et à agir sur la justice pénale dans tout le Canada.

Pour obtenir de plus amples renseignements sur les activités de l'Association, veuillez communiquer avec :

**CANADIAN CRIMINAL JUSTICE ASSOCIATION
ASSOCIATION CANADIENNE DE JUSTICE PÉNALE**

P • 101-320, av. Parkdale Ave., Ottawa, Ontario, Canada K1Y 4X9
T • 613 725.3715 | F • 613 725.3720 | E • ccja-acjp@rogers.com
ccja-acjp.ca

**NANCY WRIGHT, EDITOR-IN-CHIEF SINCE 2012.
NANCY WRIGHT, RÉDACTRICE EN CHEF DEPUIS 2012.
E • ccjapubsacjp@gmail.com**

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JUSTICE

Vol.40 **ACTUALITÉS - REPORT** No.3

EDITORIAL - ÉDITORIAL • P4

By/Par - Irving Kulik

.....

CCJA SERIES 2025 • P5

CCJA Interview With Dirk Young — Peer Outreach Worker, St. Leonard's House Windsor, and Author • P8

Résumé français • P13

CCJA's Policy Review Committee (PRC): Activity Synopsis • P14

Version en français • P15

By/Par Dr. Myles Frederick McLellan, PRC Chair

Focus on the Criminal Justice Association of Ontario (CJAO) • P16

Résumé français • P17

How a Once-Strong Alliance is Now Affecting the Canadian Criminal Justice System • P18

By/Par Gabriella Rigg

Winner - CJAO's 2024 Student Essay Competition

Résumé français • P20

.....

GENERAL TOPICS

The Creation of Miscarriage of Justice Canada: Restoring Justice for the Wrongfully Convicted • P21

By/Par Dr. Myles Frederick McLellan

Résumé français • P24

Healing Roots, Preventing Harm: Trauma, Mental Health, and Early Intervention to Protect At-Risk Youth from Criminalization • P25

By/Par Rosmery Fernandez

Résumé français • P31

.....

BOOK REVIEW SECTION WITH DR. JOHN WINTERDYK (MRU)

Book-Review Article by Miranda Henderson of The Corporation: The Pathological Pursuit of Profit and Power by Joel Bakan • P32

Résumé français • P34

.....

INTERNATIONAL PERSPECTIVES

Book-Review Article by John Langdale (Australia) of Dirty Money: Financial Crime in Canada by Christian Leuprecht and Jamie Ferrill • P35

Guest Book Review Editor: Dr. André Normandeau (Université de Montréal)

Résumé français • P37

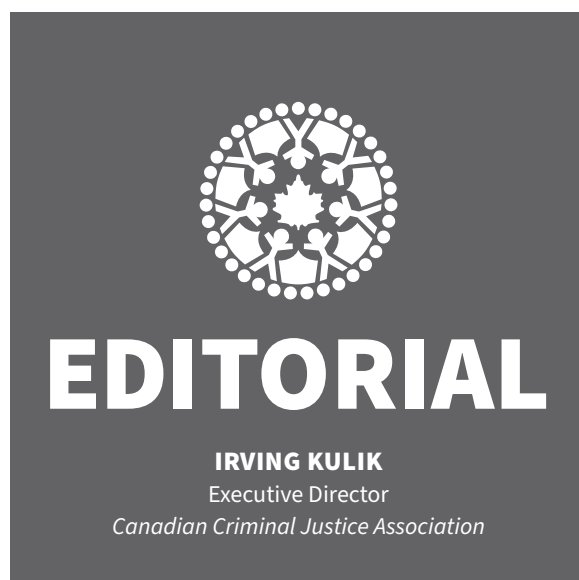
Délinquance juvénile au Maroc: la liberté surveillée comme choix de traitement en milieu ouvert • P38

By/Par Chahid Slimani (Maroc)

English Summary • P40

.....

COMING EVENTS - PROCHAINS ÉVÉNEMENTS • P41



The publication of the *Justice Report* offers a small reflection of the changes in office technology. CCJA launched this periodical four decades ago, initially produced by mimeograph and then office photocopying. This ‘advancement’ led offices to adopt assembly-line production, somewhat reminiscent of the conveyor belt in Charlie Chaplin’s 1936 film *Modern Times*.

Twenty years ago, we redesigned the JR and outsourced its publication to professional printers. About a decade later we removed the centre staples and introduced the current book-like binding with the title on the spine. It is attractive; however, technology has moved on. We no longer print hundreds of copies each quarter, and most members now select only the online version. Given this reality and the increasing costs of print and postage, it no longer makes sense to send you the *Justice Report* by mail.

This is the last print copy. The *Justice Report* will be delivered digitally starting with 40.4. We did the same years ago with our peer-reviewed *Canadian Journal of Criminology and Criminal Justice*, as have most journals and other publications. For those few reading 40.3 on paper, we hope you will adapt to the online version. One of the advantages: you can read (or print) all previous issues on our website: <https://www.ccja-acjp.ca/pub/en/justice-report/>.

In this *Justice Report* our Editor, Nancy Wright, continues the series of interviews that has become a regular feature. Her interview with DIRK YOUNG, a peer outreach worker with St. Leonard’s House

Windsor (ON), illustrates his transformation from poverty, immigration, and gang involvement to supporting lifers and other long-term prisoners.

The Chair of the CCJA Policy Review Committee (PRC), DR. MYLES FREDERICK MCLELLAN, provides a synopsis of recent work by the Committee, the most active and longest-standing group of CCJA volunteers. Elsewhere in this JR, Dr. McLellan, also Executive Director of Miscarriage of Justice Canada (MJC), describes the creation of MJC, which addresses systemic failures leading to wrongful convictions in non-homicide cases.

ROSMERY FERNANDEZ relates how trauma, mental illness, and substance abuse put the justice system at risk when left untreated: **Healing Roots, Preventing Harm: Trauma, Mental Health, and Early Intervention to Protect At-Risk Youth from Criminalization.**

Finally, we have an article from overseas by Professor CHAHID SLIMANI describing supervised release for young offenders in Fez, Morocco, **Délinquance juvénile au Maroc : la liberté surveillée comme choix de traitement en milieu ouvert.**

Readers will also enjoy book reviews by MIRANDA HENDERSON of *The Corporation: The Pathological Pursuit of Profit and Power* by Joel Bakan, and by JOHN LANGDALE (AU) of *Dirty Money: Financial Crime in Canada* by Christian Leuprecht and Jamie Ferrill.

Again, if you are used to reading the *Justice Report* in hard copy, I hope you will find the online version an easy transition. As always, we will strive to bring you an excellent publication each quarter.

Have a healthy and safe Canadian fall.



La publication de l'*Actualités Justice Report* offre un modeste aperçu de l'évolution des technologies de bureau. L'ACJP a lancé ce périodique il y a quarante ans, produit initialement à la ronéo, puis à la photocopieuse de bureau. Ce « progrès » a instauré une production en chaîne rappelant un peu le tapis roulant du film *Les Temps modernes* de Charlie Chaplin (1936).

Il y a vingt ans, nous avons refondu le JR et confié son impression à des professionnels. Dix ans plus tard, nous avons remplacé les agrafes par une reliure avec titre au dos, de style livret. C'est un format attrayant — mais la technologie a évolué. Nous n'imprimons plus des centaines d'exemplaires par trimestre, et la grande majorité des membres choisit désormais la version numérique. Dans ce contexte, et compte tenu des coûts croissants, il n'est plus viable de vous faire parvenir l'*Actualités Justice Report* par la poste.

Voici donc le dernier numéro imprimé. Dès le numéro 40.4, vous recevrez l'*Actualités Justice Report* en format numérique. Nous avons procédé de même il y a plusieurs années, avec notre revue savante, *Revue canadienne de criminologie et de justice pénale*, comme l'ont fait la plupart des publications. Pour celles et ceux qui lisent ce numéro sur papier, nous espérons que la transition vous sera facile. L'un des avantages : tous les numéros précédents peuvent être consultés et imprimés sur notre site web : <https://www.ccja-acjp.ca/pub/fr/justice-report/>

Dans ce numéro, Nancy Wright, Éd., poursuit la série d'entrevues devenue une tradition de l'*Actualités*

Justice Report. Elle s'entretient avec DIRK YOUNG, intervenant-pair à la Maison St. Leonard de Windsor (Ontario), qui raconte son parcours depuis l'immigration, la pauvreté et les gangs jusqu'au soutien des détenus à perpétuité et à long terme.

Le président du Comité de révision des politiques (CRP), Dr. MYLES FREDERICK MCLELLAN, résume les travaux récents du Comité, l'un des plus anciens et actifs groupes de bénévoles de l'ACJP. Il présente aussi la création de *Miscarriage of Justice Canada* (MJC), qui s'attaque aux défaillances systémiques à l'origine de condamnations injustifiées hors cas d'homicide.

ROSMERY FERNANDEZ décrit comment les effets déstabilisants des traumatismes, maladies mentales et dépendances non traités nuire le système judiciaire, dans **Healing Roots, Preventing Harm: Trauma, Mental Health, and Early Intervention to Protect At-Risk Youth from Criminalization**.

Enfin, nous publions un article du professeur CHAHID SLIMANI (Maroc) sur la liberté surveillée pour les jeunes délinquants à Fès, Maroc : **Délinquance juvénile au Maroc : la liberté surveillée comme choix de traitement en milieu ouvert**.

Les lectrices et lecteurs apprécieront aussi deux recensions de livres – MIRANDA HENDERSON commente **The Corporation: The Pathological Pursuit of Profit and Power** de Joel Bakan, et JOHN LANGDALE analyse **Dirty Money: Financial Crime in Canada** de Christian Leuprecht et Jamie Ferrill.

Si vous lisez habituellement l'*Actualités Justice Report* sur papier, j'espère que la version numérique vous permettra de faire une transition en douceur. Comme toujours, nous nous efforcerons de à vous offrir une excellente publication chaque trimestre.

Bonne saison d'automne — en santé et en sécurité.

CCJA SERIES 2025



Manitoba
Criminal Justice
Association

Association de
justice pénale du
Manitoba

Join us for our annual

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Featuring **Gene Bowers**
Chief of Police — Winnipeg Police Service



The Fort Garry Hotel
222 Broadway



Thursday - November 13, 2025
8:00am – 9:30am

For more details:



Send us an email at:
events@mcja.ca



Find us online at:
www.mcja.ca

Tickets: \$60
Full-Time Students: \$30
Tables of 10 available



Tickets can be purchased
using the attached QR
code

COMING SOON: CCJA INTERVIEW WITH DR. EZZAT FATTAH

One of Canada's most influential criminologists, **Dr. Ezzat Fattah**, shares his candid reflections on justice, abolition, restorative practice, and the future of criminological thought in a wide-ranging conversation with the *Justice Report*.

Don't miss this landmark dialogue with a distinguished luminary in the field.

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ASSOCIATION DE JUSTICE PÉNALE DU MANITOBA

PROVINCIAL ASSOCIATIONS, CCJA AFFILIATES & PARTNERS

The CCJA has affiliates in most Canadian provinces, is a founder and member of NAACJ (National Associations Active in Criminal Justice) and enjoys a strong working relationship with the Société de criminologie du Québec. CCJA also holds official affiliation agreements with ACA (American Correctional Association), ACJS (Academy of Criminal Justice Sciences) and ICPA (International Corrections and Prisons Association). Contact the Association in your province, and get involved!

ASSOCIATIONS PROVINCIALES, AFFILIÉES ET PARTENAIRES DE L'ACJP

L'ACJP compte des associations affiliées dans la plupart des provinces canadiennes. Elle est membre fondatrice du NAACJ (National Associations Active in Criminal Justice) et entretient une collaboration étroite avec la Société de criminologie du Québec. Elle est également liée par des accords d'affiliation officiels avec l'ACA (American Correctional Association), l'ACJS (Academy of Criminal Justice Sciences) et l'ICPA (International Corrections and Prisons Association). Contactez l'Association de votre province, et engagez-vous !

CCJA INTERVIEW WITH DIRK YOUNG — PEER OUTREACH WORKER, ST. LEONARD'S HOUSE WINDSOR, AND AUTHOR

NANCY WRIGHT

Editor, *Justice Report*

*Dirk Young—Peer Outreach Worker, St. Leonard's House Windsor—draws on his lived experience of poverty, immigration, gang involvement, incarceration, and reintegration in his work supporting lifers and other long-term prisoners. Young champions peer-led models like St. Leonard's PeerLife, which helped him envision life beyond prison and provided the guidance and support he needed. By prioritizing dignity, accountability, positive role models, and trust over punishment, his work challenges stereotypes about crime and rehabilitation, proving that transformation is possible through meaningful connection and opportunity. In his memoir, *Under, Over or Through It*, Young (2020) reflects on the experiences that shaped his journey from adversity and incarceration to peer support with St. Leonard's, now helping others the way he was once helped.*

PART 1

Background

In his illuminating and interesting memoir, ***Under, Over or Through It***, Dirk Young (2020) recounts his early life experiences—growing up in poverty in England and, after moving with his mother to Canada at age 14, facing many associated challenges. Many of his early behaviours pointed to problems, yet he remained effectively outside any safety nets and became involved in gang activities by his 17th birthday. Five days after turning 21, a fatal incident occurred, leading to his arrest. Dirk was charged with first-degree murder by age 23 and, after spending nearly three years in remand, was convicted in 2006. He served 15 years in various Canadian penitentiaries before being released on parole in 2017 at the age of 37.

Questions

CCJA ♦ Please tell our readers what kinds of early interventions—from within schools, social workers in the home environment, or community supports—might have helped you make better choices and altered your path?

DIRK YOUNG ♦ Speaking only for myself I wasn't absent of these supports. I received counselling during my formative years and good parenting along with a normal community environment. The issue for me during the times I attempted to utilize these forms of support, and why they failed me is, due to my own ignorance. It boiled down to the simple fact I chose not to listen. It was my own attitude and skepticism behind the reasons why others felt I needed this kind of support. Most of the time I felt I was entertaining these early interventions to satisfy others in order for them to dot their i's and cross their t's so to speak. Sometimes I felt pressured into these supports and because of that I refused to focus and absorb the positive advice. Instead, I would go through the motions just to appease everyone involved. I found myself constantly challenging the concepts of the process. I didn't respect or trust the individuals wanting to guide me nor did I have any faith in where they received their information. I honestly feel what would have worked for me would have been the presence of a consistent male role model, possibly something similar to the big brother program. I now feel I would have benefited from being introduced to other activities such as basic repairs, working on cars, camping and fishing.

CCJA ♦ In your opinion, are children who immigrate to Canada as immigrants with their parents—particularly those living in poverty—at heightened risk of being overlooked by support systems?

DIRK YOUNG ♦ When I came to Canada, in December 1994, I don't recall having the same assistance offered to immigrants as there is now. I had dual citizenship so there is a possibility that I wasn't seen as an immigrant. For example, I'm not sure if his is true or not but I believe that within the last few years, especially in Ontario, has created an easier opportunity for immigrants to be hired by organizations, meaning if you hire an immigrant the organization only has to pay up to 60% of their wages and the rest is covered by the government however, respectfully saying, I also am of the opinion that this has created hidden resentments and animosity towards immigrants from born and raised Canadians. Therefore, because of these hidden feelings and animosity, some immigrants may feel ostracized and bond together as a form of sticking up for themselves. This bonding or banding together can sometimes lead to poor choices and the creation, directly or indirectly, to gang like groups or behaviours which can take on an identity for itself.

PART 2

Background

Also in his memoir, *Under, Over, or Through It*, Young (2020) describes his past conviction under Section 21(2) of Canada's Criminal Code—despite not having planned, envisioned, or committed the fatal act—that led to his conviction for murder. The court held that, by joining a group altercation, he shared a common unlawful purpose and should have foreseen the possibility of such an outcome. This legal doctrine—often applied to youth or individuals from marginalized backgrounds—raises questions about how responsibility and foresight are interpreted in complex social realities. Yet he takes full ownership of his role and the conditions that shaped it. He also recounts the toll of nearly three years in remand—spent in “boxes”—and how it wore him down.

Dirk's story challenges the idea of the “born criminal” and opens a broader conversation about intergenerational trauma, social exclusion, and whether conventional sentencing frameworks are effective tools for crime prevention when it comes to gang-related violence, which accounted for 23% of all homicides in Canada from 2021 to 2023.

Questions

CCJA ♦ How should we better understand gang involvement—not only as criminality, but also as a lifestyle response to socio-economic exclusion or early trauma, where some degree of violence may already be normalized and is further reinforced through gang life? In your opinion, do current sentencing frameworks for youth and young adults reflect this complexity, or do they fall short?

DIRK YOUNG ♦ How to better understand gang involvement is a very shaky concept. We all know that poverty, schooling, poor time management, social media, communities and neighbourhoods, parenting and home life are factors for many people from all walks of life to gravitate towards gang culture. If I were to ask 10 members from the same gang this question, they would all have similar answers as a whole, however individually they would all have a story as to the why they felt the urge to represent in a group. Individually, they would all have a personal story as to why they felt the urge, why it is important. In my case for example, I feel others from the community had more information about my upbringing, history and especially the why the group came to exist. Society has a way of looking at a gang and painting every aspect of it with the same brush. Taking the time to break an issue down and understanding its inner workings vs judging the issue on the surface could create enlightenment and knowledge. Including an understanding of the greater context of what someone has been exposed to growing up should be taken into account.

CCJA ♦ Canada lacks a national system for tracking gang affiliation in criminal convictions. While some provinces like Manitoba or Alberta voluntarily report such data, Ontario does not.

Could something like a Gang Affiliation Report or Youth Vulnerability Report—modeled on the Gladue Report for Indigenous offenders—help courts better understand a person’s background, needs, and potential for rehabilitation and future reintegration? And if not prison, then what alternatives do you see as balancing public safety with healing and accountability for young adults?

DIRK YOUNG ♦ I’m quite shocked that Ontario does not participate in a voluntary report with studies and shared data, especially when I believe Toronto has the biggest pool to draw from. I feel it is about informing people to understand the complexity of the issue. Courts, the police, the parole board should take into account gang affiliation just as they do indigenous or black social history. Gang activity and individuals who commit crimes within the context of the gang is a very complex issue. Was the crime only committed because of the greater context of the gang? Would the individual act have been committed if not for the gang? If someone grows up in a very violent neighbourhood where you have to join a gang for safety and survival should be considered a mitigating factor. If that individual had grown up in a safer neighbourhood without gang activity, that person’s path may have been very different.

PART 3

Background

Rethinking Deterrence, sentencing, fairness, and reform, the Canadian Bar Association has recently critiqued the use of general deterrence as a sentencing objective (Canadian Criminal Code, 1996), arguing that imposing tough penalties on one person to discourage others from committing similar crimes lacks empirical support for reducing crime and may reinforce systemic bias—particularly against marginalized populations. Importantly, Canada’s Youth Criminal Justice Act (YCJA) explicitly prohibits general deterrence as a sentencing principle for youth, recognizing that young people have reduced moral culpability, and that deterrence does not reflect their developmental realities.

Questions

CCJA ♦ Given your experiences with the justice system and your current work in peer support and advocacy, how do you perceive the impact of general deterrence on sentencing outcomes?

DIRK YOUNG ♦ Research has consistently shown that deterrence does not work. Most crimes are not premeditated and therefore people are not considering the consequences of their actions in relation to jail time. Seeing the real-life effects of crime and poor life choices through the stories of people who have been inside may have more impact; their stories may stick with groups, such as at-risk youth, more than other deterrent tactics e.g. harsh sentences, increased police surveillance. Hearing firsthand from someone who made poor choices and had to pay the price can paint a clearer picture of what could/can happen if they continue down the same road.

PART 4

Background

Today, Dirk Young works as a Peer Outreach Worker at St. Leonard’s House Windsor, part of the national St. Leonard’s Society of Canada, a recognized leader in peer-based reintegration. The Windsor program is known for its structured, peer-informed approach, emphasizing dignity, accountability, and trust over surveillance and compliance. Dirk’s own lived experience gives him a rare dual lens—having navigated incarceration and reintegration firsthand—for now helping others do the same.

Questions

CCJA ♦ What first drew you to work with St. Leonard’s, and how did you navigate the shift from incarceration to outreach?

DIRK YOUNG ♦ What first drew me to the work with St. Leonard’s Windsor was the old model Lifeline. Since the 90’s, St. Leonard’s Windsor has believed in peer-based approaches to working with lifers and other long-term prisoners. They were the first halfway house in Canada in 1962 and the first house

UNDER, OVER OR THROUGH IT



A true story written by
DIRK YOUNG

CREDIT: Dirk Young

to offer a residential program for lifers. Lifeline functioned across Canada until it was cut by CSC in 2012. Windsor believed so strongly in the peer-based approach that they, along with Peterborough and Hamilton St Leonard's, continued to privately fund two in-reach workers (lifers in the community who go back into the institutions to support other long-term prisoners) in a program called PeerLife.

This unique service was introduced to me when I was serving my first part of my sentence in max security. It helped me to envision life on the outside beyond the concrete walls and barbed wire fences. Having this form of support created hope for me and many others. For a change I felt I wasn't just going through the motions, and finally utilised the positive reinforcements by wanting to listen and ask questions. I had trust in those guiding me and introducing me to outside resources while helping me navigate my goals. It was nice to feel that somebody other than my friends and family in my corner cheering me on.

The transition from being incarcerated to living a pro social life to an outreach worker was not my desire. I suppose I fell into it naturally, as I was always doing it in my own way anyways. Several of the staff from St. Leonard's House in Windsor would often tell me I would be good as a peer worker. As flattering as it was at the time I was trying to separate myself from lived experience. So what changed you ask? Well, several years back I became depressed and a powerful sense of not having any purpose or self-worth consumed me. I felt as if I was only accomplishing somebody else's to do list; achieving other's expectations of what they wanted for me. Then I realized I only have one life and I want to do something that gives me satisfaction, a purpose and makes me happy. It was difficult to finally convince myself that I deserved it.

PeerLife in my opinion is the most crucial and essential element of reintegration. This is not just a job to me. I now feel it is part of my inner calling. In keeping with the history, principles and foundation this program was built on, I'm humbled to carry

the torch as I myself do not know where or who I would be without the support during and after my incarceration.

Nobody likes to hear this however most men, not only the lifers who have served a sentence and who are removed from society, often feel they have things in common with men who have been to battle; suffered and were left in the trenches, secretly wishing for one of their own to return and rescue them, similar to what my in-reach lifeline worker and mentor did for me.

For me it is satisfying to witness these men evolve as human beings and it is rewarding to participate in the discovery of their new identity; it's the blanket I sleep under. To watch them wrestle with their own complex traumas, searching, fumbling around before finding the door in a dark room, defeating personal demons, persevering through their anxieties. To observe these men realise that their missteps are not failures and then finding purpose in their own lives creating self-worth which selfishly I receive through guiding these men on their journey and in return gives me purpose leading to my own happiness.

Despite never seeing myself in that role, it was Catherine Brooke, Executive Director of St. Leonard's House Windsor, who helped me not to turn away from that part of my identity as it is a part of who I am. I chose to embrace it in a positive way and this was reinforced by staff at St. Leonard's.

PART 5

Background

There's growing momentum for integrating lived experience into social work, peer support, and justice reform—but barriers remain. Many people with justice involvement or street experience still struggle to gain access to formal education or roles in policy leadership.

Questions

CCJA ♦ In your view, are academics and policymakers—including criminologists and

sociologists—genuinely ready to share space with people who’ve lived the systems they study?

DIRK YOUNG ♦ Until the focus on academic voices as experts are replaced by voices of people with lived experience; until our experience is seen as giving us an expertise I don’t see change. People with lived experience are getting more and more attention, and included in research, but there is still a lot of stigma working with vulnerable populations who don’t work the same way, or talk the same way as academics. People with lived experience should be part of creating policies that work vs recreating old systems that have proven ineffective. Firsthand experience is important knowledge that should be included in social policy and practice and not just a check on a list to include people with lived experience as a stakeholder, or to get a sounds bite.

CCJA ♦ You’ve spoken about the power of peer-led work. In your view, does meaningful structural change require more than just expanding training pathways—namely, embedding peer roles as essential rather than optional across Canada’s justice, health, academic, and policy systems?

DIRK YOUNG ♦ Yes, peers have an integral role to play in all fields as should be seen as a resource and not a potential liability. Peers will always be able to connect with other peers better than those who do not have lived experience. Peers and communities should work together and draw on each other’s strengths to build a united team to help others.

RÉSUMÉ

CCJA INTERVIEW WITH DIRK YOUNG — PEER OUTREACH WORKER, ST. LEONARD’S HOUSE WINDSOR, AND AUTHOR NANCY WRIGHT

Dirk Young, intervenant pair à la St. Leonard’s House Windsor, tire de son expérience vécue — pauvreté, immigration, implication dans des gangs, incarcération et réinsertion — pour accompagner détenus à perpétuité et d’autres personnes purgeant de longues peines. Young prône des modèles dirigés par des pairs, comme le programme PeerLife (St. Leonard’s), qui l’a aidé à envisager une vie au-delà de la prison et lui a offert les conseils et le soutien dont il avait besoin. En privilégiant la dignité, la responsabilité, des modèles positifs et la confiance plutôt que la punition, son travail remet en question les stéréotypes sur la criminalité et la réhabilitation, prouvant que la transformation est possible grâce à des liens et des occasions porteurs de sens. Dans son mémoire *Under, Over or Through It* (2020), Young revient sur les épreuves qui l’ont mené de l’adversité et de l’incarcération au soutien par les pairs à la St. Leonard’s, aidant désormais les autres comme on l’avait aidé autrefois.

SPOTLIGHT ON THE CCJA

CCJA's Policy Review Committee (PRC): Activity Synopsis

DR. MYLES FREDERICK MCLELLAN, PRC CHAIR¹

The Policy Review Committee is one of CCJA's most active and influential bodies. Meeting nine times a year, it monitors legislation and drafts briefs, weighing in on key Canadian criminal justice issues in Parliament. Its diverse membership brings insight to debates on legislation, public safety, and justice reform. Find out more at ccja-acjp.ca.

Synopsis of Topics Covered by the Policy Review Committee (PRC)

Canadian Criminal Justice Association

September 2024 to June 2025

I. Legislative and Policy Monitoring

1. Featured Government Bills

- **Bill C-40 – Miscarriage of Justice Review Commission:** Central to nearly all meetings and supported by PRC, with concerns raised over delayed appointments despite the Act being operational as of March 7, 2025.
- **Bill C-20 – RCMP/CBSA Oversight:** Established the Public Complaints and Review Commission, which received Royal Assent on October 31, 2024.
- **Bill C-2 – Border Security:** Introduced in June 2025 to address border security and related issues. Currently under PRC review.

2. Notable Private Members' Bills

- **Bill S-205 – Mandated mental health transfers from prisons to hospitals.** PRC supports the intent but raises potential concerns about sentencing fairness and judicial discretion. At second reading in the Senate.
- **Bill S-207 – Automatic expiry of criminal records.** Aligns with the PRC's work on reducing discrimination in employment and housing. PRC reviewing a draft brief, building on prior PRC work on Bill S-218.
- **Bill S-208 – Judges' discretion to bypass mandatory minimum sentences.** Reviewed by PRC as a significant measure for justice reform. At second reading in the Senate.

II. PRC Policy Briefs and Working Topics

- **Alberta Policing & RCMP Role:** Monitoring Alberta's Bill 49 for a new provincial police service. PRC raises concerns about local oversight, sheriff integration, and First Nations policing.
- **Fentanyl & Sentencing Reform:** Reviewed proposals for life sentences related to fentanyl trafficking. PRC debating updates to its materials on mandatory minimum sentencing briefs.
- **Discrimination Based on Criminal Records:** Advocacy

to make criminal record discrimination a prohibited ground under Human Rights Codes. Supported by the Uniform Law Conference of Canada (ULCC); working group being developed.

- **Alternatives to Incarceration:** PRC is drafting a reaffirmation letter to Ministers about CCJA's support of non-custodial justice options.
- **Deaths in Custody:** Reviewed coroner reports and inquest outcomes. PRC focus was renewed after Ontario inquest and documentary.

III. Topics on Artificial Intelligence (AI) in Criminal Justice

- **AI in bail and parole assessments,** facial recognition issues, and risks related to deepfake evidence in court. PRC brief led by Sarah Jorgensen with input from Andrea Monteiro and Michel Gagnon.

IV. Miscarriage of Justice Canada (MJC)

- **New organization co-founded by Myles McLellan and Gary Botting** focused on wrongful convictions not involving homicide (except cases involving Indigenous women convicted of homicide in contexts of domestic violence or coercive control situations). Working on outreach and coordination with penitentiaries and justice officials.

V. Organizational Concerns and Strategic Planning

- **Recruitment & Diversity:** Emphasis on youth, women, and racialized individuals. Strategies include newsletters, social media, and the *Justice Report*.
- **AI-Assisted Minutes:** Mixed reviews on using AI-generated meeting minutes. Pilot hybrid model remains ongoing.

VI. Political Context & Election Monitoring

Parliamentary prorogation in late 2024 and election speculation influenced meeting frequency and focus. Following the return of Parliament under Prime Minister Mark Carney in May 2025, the PRC is reviewing the timing and content of submissions to new Ministers.

¹ Dr. Myles Frederick McLellan is the Executive Director of Miscarriage of Justice Canada (MJC) and is Editor-in-Chief of the *Wrongful Conviction Law Review* (WCLR). See his article on Page 21 of this issue of the *Justice Report*. <https://wclawr.org/index.php/wclr>

L'ACJP EN VEDETTE

Le Comité de révision des politiques (CRP) de l'ACJP

DR. MYLES FREDERICK MCLELLAN, PRÉSIDENT DU CRP¹

Le Comité de révision des politiques, l'un des plus actifs de l'ACJP, se réunit neuf fois l'an pour surveiller la législation, rédiger des mémoires et intervenir sur les enjeux clés en justice pénale. Sa composition diversifiée éclaire les débats sur les lois, la sécurité publique et la réforme de la justice. Détails : ccja-acjp.ca.

Synopsis des sujets examinés par le Comité de révision des politiques (CRP) septembre 2024 – juin 2025

1. Projets de loi gouvernementaux à l'étude

- C-40 – Commission de révision des erreurs judiciaires : Présent à presque toutes les réunions et appuyé par le CRP, malgré les retards de nominations, et en vigueur depuis le 7 mars 2025.
- C-20 – *Surveillance de la GRC et de l'ASFC* : Établit la Commission d'examen et de traitement des plaintes du public. Sanction royale reçue le 31 octobre 2024.
- *Sécurité frontalière* : Déposé en juin 2025 pour répondre aux enjeux liés à la sécurité frontalière et connexes, À l'examen par le CRP.

2. Projets de loi d'initiative parlementaire notables

- S-205 – *Transfert pour santé mentale invalidant (prison vers hôpital)* : CRP appuie l'intention du projet de loi, mais soulève des préoccupations.
- S-207 – *Expiration automatique des casiers judiciaires : S'aligne avec les efforts du CRP contre la discrimination en emploi et logement. Mémoire en examen, fondé sur les travaux précédents liés au projet S-218.*
- S-208 – *Discrétion aux juges d'écarter les peines minimales obligatoires* : Jugé par le CRP comme une mesure clé de réforme de la justice.

II. Mémoires du CRP et sujets de travail

- Service policier de l'Alberta et rôle de la GRC : Suivi du projet de loi 49 visant à créer un nouveau service de police provincial. Préoccupations concernant la surveillance locale, le déploiement des shérifs et les services de police autochtone.
- Fentanyl et réforme des peines : Examen de propositions de perpétuité liées au trafic.

Débat sur la mise à jour des documents du CRP sur les peines minimales.

- Discrimination liée au casier judiciaire : Recommande son ajout aux motifs interdits dans les codes des droits de la personne. Appuyée par la Conférence pour l'harmonisation des lois au Canada); groupe de travail en cours de création.
- Peines de rechange : CRP prépare une lettre de réaffirmation aux ministres pour appuyer les options de justice non carcérale.
- Décès en détention : Analyse des rapports et enquêtes du coroner. L'attention du CRP a été ravivée après une enquête tenue en Ontario et un documentaire.

III. Sujets CRP sur Intelligence artificielle (IA) et justice pénale

- À l'examen par le CRP : IA dans les évaluations de mise en liberté sous caution et libération conditionnelle, la reconnaissance faciale, et risques liés aux preuves hypertrucages. Mémoire dirigé par Sarah Jorgensen, avec la participation d'Andrea Monteiro et de Michel Gagnon.

IV. Miscarriage of Justice Canada (MJC)

- Nouvel organisme fondé par Myles McLellan et Gary Botting, axé sur les condamnations injustifiées hors cas d'homicide, sauf celles impliquant des femmes autochtones reconnues coupables d'homicide dans des contextes de violence conjugale ou de contrôle coercitif. Travaille à sensibiliser et à coordonner avec prisons / acteurs judiciaires.

V. Préoccupations organisationnelles et planification stratégique

- Recrutement et diversité : Accent sur les jeunes, les femmes et les personnes racisées. Stratégies : infolettres, médias sociaux et *Actualités Justice Report*.

1. Dr. Myles Frederick McLellan est le directeur général de Miscarriage of Justice Canada (MJC) et rédacteur en chef de la *Wrongful Conviction Law Review (WCLR)*. Voir son article à la page 21 du présent numéro de l'*Actualités Justice Report*.

Focus on the Criminal Justice Association of Ontario (CJAO)

CRIMINAL JUSTICE ASSOCIATION OF ONTARIO (CJAO)

Fostering dialogue, education, and innovation across Ontario's justice landscape, the Criminal Justice Association of Ontario (CJAO)—a long-standing affiliate of the Canadian Criminal Justice Association (CCJA) -- leads public engagement through conferences, seminars, and forums. Gabriella Riggi won CJAO's student writing competition for 2024-25 with a standout essay on U.S.-Canada policy shifts—featured in this issue of Actualités Justice Report. Through events and mentorship, CJAO continues to advance justice locally and nationally.

The Criminal Justice Association of Ontario (CJAO) has long played a vital role in shaping justice dialogue across the province. As a provincial affiliate of the Canadian Criminal Justice Association (CCJA), the CJAO has always brought together a diverse membership—from public servants and justice professionals to students and community advocates—all united by a shared goal: to promote a fair, progressive, and compassionate justice system.

Founded in the early 1960s and incorporated in 1970, the CJAO has evolved into a key convener in Ontario's justice landscape. It facilitates the communication of current social and criminal justice issues through public engagement and event sponsorships. The CJAO represents nearly 25% of CCJA's national membership and maintains strong representation across sectors, including provincial and federal government, legal professionals, community organizations, and academia.

CJAO's contribution to public education and policy dialogue is evident in its conferences, scholarship programs, student essay contests and criminal justice events. The association has co-hosted national congresses alongside the CCJA and regularly organizes Ontario-based seminars on emerging justice issues. Notably, its biennial conference has created a consistent platform for examining timely criminal justice themes such as human trafficking and community safety.

The CJAO is also deeply invested in fostering new voices. This year, the CJAO hosted its first-ever essay contest that invited college and undergraduate students across Ontario to reflect on emerging issues shaping the future of the Canadian criminal justice system. In this issue of the *Justice Report*, the CCJA proudly features the winning submission from the 2025 CJAO Writing Competition—a thoughtful, forward-looking essay that exemplifies critical thinking, analysis and a deep personal understanding of the cross-border influences shaping Canada's criminal justice system. This spotlight recognizes the CJAO not only for its historical contributions, but for its continued efforts to strengthen justice in Ontario through education, collaboration, and leadership within the broader CCJA network.

MEET CJAO'S LEADERSHIP

The CJAO's volunteer Board of Directors includes:

Diana Grech (President)
Eric Sabiti (Vice-President)
Ryan Baird (Treasurer)
Jenna Fullerton (Secretary)

Community Representatives: Oana Decuseara, Christopher Dinadis, Irving Kulik,
Jennifer Misorowski, Mark Parisotto, Vinita Puri, Brittany Sherwood, Brian Smegal



HIGHLIGHTS

2023 CJAO Community Safety Event – Toronto

Held at The 519, this forum drew justice professionals, students, and residents to discuss inclusive approaches to community safety. Proceeds—and dozens of kilos of non perishables—were donated to the Daily Bread Food Bank, underscoring CJAO’s commitment to social impact.

CCJA & CJA0 Congress Collaboration

CJAO has a long history of partnering with the CCJA on national and international gatherings, including co-hosting the 31st Canadian Criminal Justice Congress in 2007 and regional conferences and symposiums over the years. When CCJA co-hosted the 2022 World Congress on Probation and Parole in Ottawa, which brought together over 320 delegates from more than 30 countries to present on global innovations in probation, parole, and community reintegration under the theme “No One Left Behind: Building Community Capacity, CJAO members contributed to the national dialogue that emerged, reinforcing Ontario’s role in advancing international justice collaboration.

2019 CJA0 Human Trafficking Event

This province-wide forum gathered service providers, policymakers, and survivors to discuss practical recommendations for preventing human trafficking and improving support for survivors.

CJAO ESSAY CONTEST — 2025 WINNER

Winner: Gabriella Riggi

Essay Title: “How a Once-Strong Alliance Is Now Affecting the Canadian Criminal Justice System”

Why it stood out:

- Offers an insightful and thought-provoking understanding of the recent shifts in the U.S. political and economic landscape and their impact on the Canadian criminal justice system.
- Combines rigorous research with clear, accessible prose—hallmarks of CJAO’s commitment to nurturing emerging voices.
- Addresses significant components of the emerging trade wars and global markets’ impacts on law enforcement, legal rights and access to justice that align with CJAO’s mission.

Prize:

- \$500 Award
- One-year memberships in both the CJAO and the CCJA.
- Publication and provincial-level recognition in the *Justice Report*

Read Gabriella’s full essay on the next page.

**Keep an eye on this rising scholar—
Gabriella’s work exemplifies the critical
thinking and public-service ethos the CJAO
seeks to foster.**

RÉSUMÉ

Focus on the Criminal Justice Association of Ontario (CJAO)

Fièr affilié de l’Association canadienne de justice pénale

Favorisant le dialogue, l’éducation et l’innovation dans le domaine de la justice pénale en Ontario, l’CJAO—affiliée de longue date à l’ACJP—mobilise le public par ses conférences, séminaires et forums. Gabriella Riggi a remporté le concours étudiant de 2024–2025 de l’CJAO avec un essai marquant sur les politiques canado-américaines, publié dans ce numéro d’Actualités Justice Report. Par ses activités et son mentorat, l’CJAO fait avancer la justice ici et ailleurs.

How a Once-Strong Alliance is Now Affecting the Canadian Criminal Justice System

GABRIELLA RIGGI

Bachelor of Arts Honours Political Science and Criminology, Class of 2025
CJAO Student Essay Contest — 2025 Winner

This essay by Gabriella Riggi (University of Windsor) is the 2024–25 winner of the Criminal Justice Association of Ontario's Annual Student Essay Competition. Riggi examines the impact of recent U.S. policy shifts under President Donald J. Trump on Canada's criminal justice system. Focusing on immigration, border security, and trade, Riggi examines how U.S. decisions have affected law enforcement practices, legal rights, and public safety in Canada—especially in border communities like Windsor, Ontario. By linking economic pressures to potential increases in crime and barriers to justice, the piece offers timely insight into the cross-border ripple effects of U.S. domestic politics on Canadian legal and policy environments. The CCJA congratulates Gabriella on her achievement, and the CJAO on its innovative essay competition.

The newly elected President of the United States of America, Donald J. Trump, has enacted procedures and legislation that have stunned the global economy. Considering that Canada has been a long-time peaceful ally of the U.S., it came as a great shock to hear how Trump was willing to jeopardize such a relationship. Canadian justice systems are facing difficulties in light of the recent changes under Trump's immigration, tariffs, and border security policies, as these have created challenges in how cross-border affairs are managed. Since Canada and the United States are so tightly interlinked, questions have arisen regarding how Canada's criminal justice system will respond to immigration restrictions and new border security policies. As a resident of Windsor, Ontario, I have increasingly noticed changes at the Windsor-Detroit border in crime detection and prevention. Understanding how the implications of new U.S. policies affect Canadian law enforcement, legal rights, and access to justice is important for the future of Canadian criminal justice.

Under the Trump administration, Canadian law has been primarily affected by restrictions on border crossing. Due to Trump's desire to secure the U.S. border and remove illegal immigrants, police patrols

and questioning at the borders have intensified. The RCMP has increased its patrols while teaming with the Ontario Provincial Police to implement a new deterrence strategy, including the inspection of commercial trucks at the Windsor-Detroit border, focusing on narcotics and human trafficking (Viau).

These stricter regulations have put a strain on the Canadian criminal justice system, as law enforcement must become more involved in closely monitoring border affairs. Some immigrants are also risking their lives to reach Canada to escape U.S. immigration officers—particularly in Windsor, where there has been a growing fear of individuals swimming across the Detroit River (Chen). Law enforcement is forced to deploy additional resources, which could otherwise be put towards monitoring existing prisons and high-risk individuals. Not only does this divert resources away from Canada's criminal justice system, but it also increases the number of U.S. residents seeking asylum in Canada (Trew & Milton), overwhelming courts and holding centers. This also raises the risk of illegal activity, as surveillance in the U.S. under Trump's restoration of the 2017 immigration policy (Camponovo) may drive illegal gangs and businesses into Canada, further

straining Canadian police forces, detectives, and posing risks to public safety.

The border restrictions have created some tension for the Canadian criminal justice system in terms of legal rights, especially for Canadians crossing the border for work, vacations, or family visits. Former Prime Minister Justin Trudeau made a statement suggesting Canadians should consider remaining in Canada for vacations (Galloway), as there is a risk of being held for questioning at U.S. holding centres. This not only infringes on Canadians' right to freedom of movement but also increases the number of legal battles required to have Canadians released from custody. This decreases the efficiency of the criminal justice system, as more money will be needed for legal representation, scheduled hearings, and investigations into wrongful detention. The U.S. has become a police-like state, with increased surveillance aided by AI, especially targeting minorities, to search foreigners' social media and private information (Deibert).

Under Canadian law, this raises privacy concerns, as it violates the Canadian Charter, human rights laws, and freedom of expression (Deibert). If Canadian citizens' private data is monitored and recorded by a foreign government (i.e., the U.S.), it could lead to legal struggles between the countries, which would be costly and delay more pressing internal Canadian criminal justice matters. Such surveillance strategies may force the Canadian government to implement cybersecurity protocols to help protect Canadians when crossing into the U.S.; however, this runs the risk of the U.S. government countering with legal measures in retaliation and could lead to Canadians being flagged and detained at border crossings, further complicating the criminal justice system.

The Trump administration has acted selfishly, implementing high tariffs and creating a trade war with its allies, especially its loyal neighbour, Canada. As Canadians are already facing high prices, the threat of a 25% tariff on goods such as auto parts and steel (Vanderklippe, Mallees, & Graney) has Canadians worrying about rising market prices. Though Canada has promised to retaliate with tariffs

of its own, matching the United States' 25% tariffs (Saltman, Klein, & Goldman), this risks inflation, supply chain disruptions, and reduced investment opportunities (Vanderklippe, Mallees, & Graney). It may ultimately affect the Canadian criminal justice system, as some individuals and businesses may feel 'forced' to illegally source necessities.

As a resident of Windsor, Ontario—a large auto manufacturing city—I am concerned that local factories will experience layoffs due to the high price of steel. As a result, hundreds of residents will be left unemployed, which may prompt some individuals to commit theft, increasing the crime rate and caseload of first-time offences and misdemeanours. This could cause a shortage of affordable legal representation and increased court processing times. A congested criminal justice system leaves individuals waiting for hearings and trials, which may lead them to engage in harmful activities such as drug use, further exacerbating the snowball effect U.S. politics has created for the Canadian justice system.

U.S. politics are extremely persuasive within the global market, which has ultimately affected its Canadian neighbour. With increased border security, there has been a rise in asylum seekers, and Canadians are deterred from travelling due to intensive surveillance that violates their legal rights and freedoms. This leads to an increased immigration caseload for Canada, as the courts must spend time and resources to resolve cross-border detentions and returns for Canadians.

Additionally, the trade war makes it difficult for the working class to afford groceries, gas, and maintain employment due to the rapid price fluctuations of goods. Although Trump advocates for his "America First" agenda to prioritize U.S. interests—it is straining the Canadian criminal justice system and threatening further economic harm to Canadians.

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RÉSUMÉ

How a Once-Strong Alliance is Now Affecting the Canadian Criminal Justice System

GABRIELLA RIGGI

Cet essai de Gabriella Riggi (Université de Windsor), lauréate 2024–2025 du concours étudiant de l'Association ontarienne de justice pénale, examine l'impact des récentes politiques de Donald J. Trump sur le système de justice pénale canadien. Axé sur l'immigration, la sécurité frontalière et le commerce, Riggi explore l'effet de ces décisions sur les pratiques policières, les droits juridiques et la sécurité publique au Canada—en particulier dans les collectivités frontalières comme Windsor (Ontario). En liant les pressions économiques à une possible hausse de la criminalité et à des obstacles à la justice, Gabriella Riggi offre un éclairage pertinent sur les répercussions transfrontalières de la politique intérieure américaine. L'ACJP la félicite pour sa réussite, ainsi que l'AOJP pour son concours novateur.

The Creation of Miscarriage of Justice Canada: Restoring Justice for the Wrongfully Convicted

DR. MYLES FREDERICK MCLELLAN

Chair of the CCJA Policy Review Committee

Executive Director of Miscarriage of Justice Canada (MJC)

Editor-in-Chief of the Wrongful Conviction Law Review (WCLR)

<https://wclawr.org/index.php/wclr>

Miscarriage of Justice Canada (MJC) addresses systemic failures leading to wrongful convictions in non-homicide cases. Co-founded by Dr. Myles Frederick McLellan and criminal justice expert Dr. Gary Botting, MJC emerged as a result of the enactment of Bill C-40 (David and Joyce Milgaard's Law), which replaced the flawed ministerial review process with the independent Miscarriage of Justice Review Commission (MJRC). As of September 2025, MJC will assist individuals with credible claims of wrongful conviction, including many from marginalized, racialized or vulnerable communities. It also handles select homicide cases involving criminalized survivors of violent domestic abuse and coercive control convictions. Through partnerships, research, and public education, MJC aims to improve access to justice, restore public confidence, and ensure no credible wrongful conviction claim goes unheard.

The creation of Miscarriage of Justice Canada (MJC) is a direct response to the longstanding structural failures in Canada's criminal justice system that have resulted in the wrongful conviction of innocent individuals. This organization was conceived from a growing awareness of the deep and lasting harm these convictions inflict—not only on those unjustly imprisoned but also on their families, communities, and society's confidence in the rule of law. MJC's founding recognized and was shaped by inadequate remedies, the need for systemic reform, and a commitment to accessible, equitable justice.

THE FAILURES OF CANADA'S MINISTERIAL REVIEW PROCESS

Wrongful convictions are among the most egregious failures of any legal system. They represent not only a denial of justice to the innocent but also the failure to hold the true perpetrator accountable. In Canada, these injustices are frequently rooted in systemic problems such as police investigatory tunnel vision,

prosecutorial misconduct, ineffective assistance of counsel, false or mistaken eyewitness identification, jailhouse informant testimony, and the misuse of forensic science. Particularly concerning are cases involving racialized individuals, individuals with mental health issues, and those from economically marginalized communities—groups overrepresented in prisons yet underrepresented among those exonerated.

The impacts of wrongful conviction are multifaceted and profound. The wrongfully convicted lose years, sometimes decades, of their lives to incarceration. Upon release, many face stigma, mental health challenges, social exclusion, and difficulty reintegrating into society. These consequences extend beyond the individual, affecting their families and eroding public confidence in the justice system. Furthermore, the high burden of proof and procedural barriers have made the path to exoneration exceptionally difficult.

Historically, individuals seeking to overturn wrongful convictions have had little recourse beyond the extraordinary remedy available under section 696.1 of the Criminal Code of Canada. This provision allowed individuals to ask the federal Minister of Justice to review their case for a possible miscarriage of justice. However, the process under section 696.1 was widely criticized for being opaque, slow, and inaccessible.

Applicants often had to compile complex legal arguments and extensive evidence without legal representation. The process lacked transparency and clear timelines, leaving applicants in legal limbo for years. This ministerial review process was not a right of appeal but rather a discretionary political remedy, vulnerable to delay and inaction. Recognizing these shortcomings, legal advocates, scholars, and community organizations began calling for a more transparent and independent process.

A HISTORIC SHIFT: BILL C-40, THE MILGAARD LEGACY, AND THE MJRC

In response to persistent advocacy and public concern, the federal government commissioned a review of the conviction review process. In 2021, then-Minister of Justice David Lametti appointed two distinguished jurists—Justice Harry LaForme, a retired judge from the Ontario Court of Appeal, and Justice Juanita Westmoreland-Traoré, a retired judge of the Quebec Superior Court—to co-lead consultations on the creation of an independent Miscarriage of Justice Review Commission. Their mandate was to consult with stakeholders, assess existing mechanisms, and propose a model for a new body that could independently investigate and review claims of wrongful conviction. The resulting report, shaped by input from justice system actors, exonerees, legal advocates, and affected communities, recommended creating a specialized and independent commission. This body would be empowered to receive and investigate applications and make binding recommendations, removing the process from the political discretion of the Minister of Justice.

Following the recommendations of the LaForme-Westmoreland-Traoré committee, the federal Liberal government introduced Bill C-40, also known as David and Joyce Milgaard’s Law, named in honour of one of Canada’s most well-known wrongful conviction cases. The bill proposed the creation of an independent Miscarriage of Justice Review Commission (MJRC) to replace the outdated ministerial review process. Bill C-40 was passed into law on December 17, 2024, marking a historic shift in how Canada would handle claims of wrongful conviction. The legislation established a fully independent, transparent, and accessible process. It allowed applications to be submitted directly to the Commission, removed the requirement to exhaust all appeals, and empowered the Commission to recommend new trials or appeals in appropriate cases.

Although the legislation came into force on March 7, 2025, the Commission has not yet been fully operationalized, pending the appointment of commissioners. In the interim, applications may still be submitted to the Department of Justice under the new legislative framework.

BRIDGING THE GAP: THE ROLE OF MJC

It was within this dynamic and transitional legal environment that Miscarriage of Justice Canada was born. Recognizing the urgent need to bridge the gap between legislative reform and practical assistance for applicants, I co-founded this organization with renowned criminal justice expert Dr. Gary Botting to provide a dedicated and specialized resource for those affected by wrongful convictions.

Our vision was to create an organization that would not only review wrongful conviction cases but also educate the public, conduct research, and advocate for systemic reform. MJC was incorporated as a federal non-profit organization with the explicit mandate of promoting fairness, equity, and accountability within the criminal justice system. Gary Botting and I are joined on the MJC Board by lawyers, retired police investigators and others dedicated to justice including Greg Rodin, Peter

Copple, Michel Gagnon, Paul Briggs and Stefan Horodeckyj.

According to our mission statement, Miscarriage of Justice Canada is rooted in the principles of fairness, equity, and accountability. We are dedicated to uncovering the truth and restoring justice for those who have been wrongly convicted. Our primary focus is on non-homicide convictions, especially where individuals were sentenced to federal penitentiaries for serious offences under the Criminal Code or other Acts of Parliament—offences such as perjury, fraud, drug trafficking, treason, or extortion.

Uniquely, MJC also includes within its mandate wrongful conviction categories identified by the Native Women's Association of Canada (NWAC), including select homicide cases involving women who acted in self-defence or under coercion in the context of domestic violence. We are committed to reviewing these cases through a trauma-informed, culturally sensitive lens.

MJC offers investigative and legal support to individuals with credible claims of wrongful conviction. We prepare and submit coordinated applications to the MJRC (or the Department of Justice while the Commission is being set up). Additionally, we collaborate with community organizations, academic institutions, and legal professionals to maximize impact.

MJC was created to fill a significant gap in Canada's wrongful conviction advocacy landscape. While Innocence Canada primarily handles homicide cases, there was no comparable organization focused on non-homicide wrongful convictions, even though these cases represent a large portion of known wrongful convictions. Moreover, many individuals wrongly convicted of non-homicide offences are from marginalized or racialized communities and lack the resources to navigate the complex legal terrain alone. By focusing on this neglected demographic, MJC increases access to justice for groups historically excluded from support, particularly those serving long federal sentences

without legal recourse.

LOOKING AHEAD: MJC'S BROADER MISSION AND IMPACT

Our goal is not only to exonerate individuals but to help transform the broader culture of justice in Canada. MJC aims to be a vital contributor to Canada's justice landscape. We are actively pursuing partnerships with legal clinics, universities, and community groups. Our ultimate goal is to create a sustainable, evidence-based organization that complements existing services while expanding the reach and impact of wrongful conviction advocacy.

We have an agreement with Pro Bono Students Canada to engage law students in our work by way of their participation in document preparation and inmate outreach. We started processing applications as of September 1st, 2025.

We continue to build operational capacity, raise public awareness, and seek funding opportunities to support our mission. We have started raising initial funding through a GoFundMe Campaign (<https://gofund.me/61f18227>).

Once the MJRC becomes operational, MJC stands ready to act as a critical conduit between the public and the Commission, ensuring that no credible claim of wrongful conviction goes unheard.

RÉSUMÉ

The Creation of Miscarriage of Justice Canada: Restoring Justice for the Wrongfully Convicted

DR. MYLES FREDERICK MCLELLAN

Miscarriage of Justice Canada (MJC) s'attaque aux défaillances systémiques du système de justice canadien entraînant des erreurs judiciaires hors homicides. Cofondée par Dr. Myles Frederick McLellan et l'expert juridique Gary Botting, la MJC a émergé avec le projet de loi C 40 (Loi David et Joyce Milgaard), qui a remplacé le processus ministériel défaillant par la Commission d'examen du système judiciaire (MJRC). À partir de septembre 2025, la MJC aidera les personnes ayant des demandes crédibles d'erreur judiciaire, notamment issues de communautés marginalisées, racialisées ou vulnérables. Elle traite aussi certains dossiers d'homicide liés à des survivantes criminalisées. Par ses partenariats, sa recherche et son action éducative, la MJC vise à améliorer l'accès à la justice, restaurer la confiance du public et garantir qu'aucune demande crédible ne soit ignorée.

Healing Roots, Preventing Harm: Trauma, Mental Health, and Early Intervention to Protect At-Risk Youth from Criminalization

ROSMERY FERNANDEZ

Community advocate and foreign-trained lawyer, LLB, Community and Justice Services Diploma (Humber Polytechnic¹ Ontario)

Community advocate and foreign-trained lawyer Rosmery Fernandez explores how trauma, mental illness, and substance use—when left unaddressed—can push marginalized youth toward the justice system. She highlights the school-to-prison pipeline and the urgent need for trauma-informed responses in education, criminal justice, and health. While promising programs exist, few are systematically evaluated, limiting Canada’s ability to build a national evidence base. Fernandez profiles effective but underfunded solutions like SNAP®, Indigenous-led healing programs, and school-based interventions. Drawing primarily on examples from Ontario and British Columbia, her analysis underscores the need for cross-sector reform and a standardized framework grounded in ongoing training for school and community staff to help prevent crises among youth from becoming convictions.

A 15-year-old boy gets suspended for lashing out at school. He doesn’t say his older brother was arrested in front of him the night before. He doesn’t say the shouting, the sirens, and the threats brought him back to a moment years earlier when his father disappeared. All the school sees is defiance. But this is a child in pain—not a criminal in the making.

Canada’s youth justice system is filled with stories like this. Behind many behaviours that lead young people into conflict with the law are untreated mental health challenges and deep trauma. Substance use as a form of self-medication, intergenerational trauma, and systemic inequities further heighten these risks—particularly for youth who are Indigenous, Black, or otherwise marginalized. To reduce youth crime and disrupt cycles of harm, we must address the root causes—before crisis turns into conviction.

When trauma-related behaviours are misinterpreted as defiance or delinquency, school suspensions and expulsions often become the first point of contact with the police.

This article explores how trauma and mental illness, often coupled with substance use, increase the risk of criminalization for young people, especially those from Indigenous, Black, and other marginalized communities (Maynard, 2017; OCI, 2024). It also highlights practical, evidence-based approaches to prevent this trajectory, including school-based interventions that are culturally safe and trauma-informed. While the examples focus primarily on Ontario and British Columbia for illustrative purposes, the systemic issues discussed have broader relevance across Canada.

TRAUMA: AN OVERLOOKED LINK TO CRIMINAL BEHAVIOUR IN YOUTH

Adverse Childhood Experiences (ACEs)—such as abuse, neglect, or exposure to violence—can disrupt brain development and emotional regulation. Youth with high ACE scores are more likely to suffer from anxiety, PTSD, depression, and behavioural issues (Anda et al., 2006; Hughes et al., 2017). Such mental health conditions often go undiagnosed or misunderstood until a youth is already in trouble with the law due to their behaviour.

1. The Humber College Institute of Technology and Advanced Learning was founded in 1967, rebranding as Humber Polytechnic in 2024.

Children internalize their environments, and when that environment is marked by instability, neglect, or violence, their survival instincts become dominant (Anda et al., 2006; Hughes et al., 2017). This survival-mode behaviour can manifest as aggression or emotional shutdown—both of which can draw disciplinary action. Too often, the result is the youth being labelled “troubled,” which then feeds a harmful narrative suggesting they are destined for delinquency.

Indigenous youth are particularly impacted due to intergenerational trauma rooted in colonialism, residential schools, and systemic discrimination. The Office of the Correctional Investigator (2024) reported that Indigenous people represent over 32% of federal inmates, despite making up only 5% of the population. The pattern of overrepresentation emerges early: for example, Indigenous youth are more likely to be suspended from school, placed in care, or incarcerated (Truth and Reconciliation Commission of Canada [TRC], 2015). While this section draws heavily on national statistics, the discussion also reflects patterns documented in Ontario and British Columbia. The behaviour of trauma-affected youth—impulsivity, aggression, withdrawal—is frequently misread by adults. In schools and courts, trauma is often punished rather than treated (Maynard, 2017). The consequences of misreading trauma in youth are severe. School suspensions and expulsions cut children off from student services support systems at school, and these early interactions with the justice system reinforce a cycle that is often difficult to escape (Maynard, 2017; OCI, 2024).²

What’s more, many of these youth lack a strong support system at home. Parents or guardians may themselves be struggling with unaddressed trauma, poverty, or systemic barriers to accessing support for themselves. When young people grow up in environments where emotional regulation and communication are not modeled or supported, it is unrealistic to expect them to consistently express their needs in healthy ways. Schools and community organizations can play a crucial compensatory role, but only if they are properly equipped.

Systemic discrimination also plays a role in how trauma is perceived and addressed. Youth from racialized communities are more likely to be seen as threats than as victims in need of care. Such bias contributes to over-surveillance, harsher disciplinary measures, and reduced access to supportive services (Department of Justice Canada, 2023).

Cultural competence, trauma-informed care (TIC), and anti-racism training for professionals working with youth can help identify needs before they contribute to behaviours that increase the risk of criminalization.

Societal attitudes that stigmatize mental illness and normalize punishment must also be challenged. A paradigm shift is needed—one that sees troubled youth not as problems to be managed, but as individuals, each with their own history, voice, and potential. Recognizing this potential is especially crucial for those who have never been given the space to heal or be heard.

SELF-MEDICATION AND SUBSTANCE USE: A COMPOUNDING RISK

Many youths turn to substances like alcohol or cannabis to manage emotional pain. While this might provide temporary relief, it increases the risk of developing a substance use disorder (Khoury et al., 2010). Substance dependency impairs judgment, erodes self-control, and is closely linked to criminal behaviour (Lubman et al., 2015).

The progression from experimentation to dependency can be swift, especially when a young person lacks access to mental health resources. In communities with few options for therapy or support, substances become coping mechanisms out of necessity, not choice. The criminalization of youth for actions tied to untreated trauma or addiction entrenches them in the justice system.

According to the National Institute on Drug Abuse (2024), youth with PTSD or mood disorders are significantly more likely to engage in risky or criminal activity when using substances. In some

² The term school-to-prison pipeline describes how exclusionary school discipline and police presence can lead to youth criminalization. In Canada, Robyn Maynard (2017) explores its racialized impact, particularly on Black and Indigenous youth. The Department of Justice Canada’s *Black Youth and the Criminal Justice System: Summary Report of an Engagement Process in Canada* (2022) notes that school-related behaviours and over-policing contribute to criminalization pathways, and that schools are often the first point of criminal justice contact for Black youth.



Credit: Maxim Bober / Unsplash

“When we listen to the stories behind the behaviour and respond with the right support, we change the outcome.”

— Rosmery Fernandez

communities, access to support services is so limited that substance use becomes a primary coping tool. These behaviours can escalate into more serious offences—not out of malice but from unmanaged distress now compounded by addiction.

Public narratives around youth substance use often neglect the underlying causes. Discussions tend to focus on deterrence or discipline, overlooking the fact that addiction is rarely the root of the problem—it is a symptom of deeper, unhealed wounds. Treatment programs, when available and culturally responsive, offer an opportunity for youth to not only recover from addiction but also begin healing from the trauma that led them there.

At the policy level, more needs to be done to distinguish between harmful behaviours that stems from trauma and intentional criminal conduct. When trauma and mental illness are treated as health issues rather than criminal ones, communities can focus on long-term solutions that foster healing and reduce reoffending.

SCHOOLS AS GATEWAYS FOR INTERVENTION—A MISSED OPPORTUNITY

Schools are in a powerful position to detect early warning signs and connect youth to support. Ontario's Policy/Program Memorandum (PPM) 169 mandates that schools promote student mental health. However, a 2022 report by School Mental Health Ontario (SMHO) found that many educators feel unprepared to handle mental health concerns.

Warning signs like withdrawal, persistent irritability, or sudden behavioural changes often go unrecognized or are seen as discipline issues. Trauma-informed professional development and access to mental health resources can help educators respond more effectively (CAMH, 2024).

Students benefit when educators are trained to look beyond behaviour and ask, "What happened to you?" rather than "What's wrong with you?" Creating safe learning environments means not only acknowledging trauma but also integrating supports

into everyday school life.

Recommended school-based strategies to address trauma early and prevent criminalization include:

- Universal social-emotional learning (SEL) programs (SMHO, 2024)
- Validated screening tools like the CRAFFT (Canadian Paediatric Society, n.d.)
- De-escalation practices that avoid punitive discipline (SAMHSA, 2022)
- Embedded mental health staff (CIHI, 2023)

These approaches shift the focus from punishment to understanding and support. Listening to the experiences behind the behaviour is central to their success, helping schools respond with support rather than discipline. When implemented correctly, they foster school cultures that are both safe and healing.

Collaboration between educators, school counsellors, and community mental health professionals is key. Building a system of wraparound support ensures that no student falls through the cracks. When families are also included in these interventions, the effectiveness of the support multiplies, extending healing into the home and thereby reducing reliance on the already overburdened child protection system.

PREVENTION THAT WORKS: PROMISING PROGRAMS AND COMMUNITY-LED INNOVATIONS SNAP® (STOP NOW AND PLAN)

This article draws primarily on examples from Ontario and British Columbia to highlight promising practices and gaps in youth justice prevention—but the findings point to a broader national need for reform including the expansion, regularization, and use of tools like Ontario's School Mental Health Strategy – Aligned & Integrated Model (AIM) (SMHON, 2024) and B.C.'s SEL training (Goossen et al., 2024).

Developed by the Child Development Institute, SNAP® helps children aged 6–11 with self-regulation and problem-solving. It includes individual, group,

and family counselling. A Public Safety Canada evaluation showed a 33% drop in police contact and a 62% decrease in aggression (Public Safety Canada, 2023a).

YOUTH GANG PREVENTION FUND (YGPF)

YGPF funds community programs that offer mentorship, counselling, and job training for youth aged 12–24 at risk of gang involvement. Funded projects have shown positive results in school attendance and reduced reoffending (Government of Canada, 2024a).

INDIGENOUS-LED HEALING PROGRAMS

Programs rooted in culture and language are essential for Indigenous youth. The First Nations Health Authority’s Cultural Safety & Humility Framework ensures mental health services are anti-racist and trauma-informed (FNHA, 2023). The Expanded Trauma-Informed Health and Cultural Support Program integrates traditional healing with clinical care (Government of Canada, 2024b).

TRAUMA-INFORMED SCHOOLS

B.C. schools use trauma-sensitive strategies such as SEL training, calm zones, and educator wellness programs, showing promising survey outcomes despite limited formal evaluation (Goossen et al., 2024). Ontario’s province-wide strategy offers tailored, evidence-informed, identity-affirming supports, developed collaboratively to ensure culturally relevant, and inclusive mental health services (School Mental Health Ontario [SMH-ON], 2024).

GAPS IN POLICY AND ACCESS: WHERE WE NEED TO DO BETTER

While this discussion draws heavily on Ontario and British Columbia examples, the policy and access gaps identified here are evident in many other jurisdictions across Canada. Despite promising initiatives, significant gaps remain. Most trauma-informed programs are funded through short-term grants, making them difficult to sustain. Remote and northern communities lack access to broadband and clinicians, which makes digital solutions critical.

Youth in the justice system are often placed in settings that exacerbate their mental health conditions rather than treat them. Detention facilities are not equipped to provide therapeutic support, and youth may cycle through the system multiple times without meaningful intervention. This makes prevention all the more urgent.

Mandatory minimum sentencing laws continue to funnel youth into detention rather than diversion programs. Greater investments are needed in long-term, community-based solutions tailored to diverse populations (Office of the Correctional Investigator, 2024).

Additionally, stakeholders across sectors—including health care, justice, education, and child welfare—must collaborate more intentionally. Cross-sector partnerships can identify gaps, eliminate redundancies, and create integrated systems of care. When policies align with community realities and frontline needs, interventions can be more efficient and impactful (First Nations Health Authority, 2023).

RECOMMENDATIONS FOR POLICY AND PRACTICE

1. Mandate trauma screening in schools and health care settings using brief, validated tools.
2. Fund proven programs like SNAP® and YGPF with long-term, outcomes-based grants.
3. Require cultural safety and humility training for all youth-serving professionals.
4. Expand broadband and telehealth services to underserved areas.
5. Reform sentencing laws to allow therapeutic justice options before incarceration.
6. Invest in longitudinal research to measure impact and guide replication. There is much to be done; both Public Safety Canada and the Office of the Correctional Investigator have found that the absence of standardized, national evaluation frameworks limits the ability to build an evidence base for culturally competent, trauma-informed, and anti-racist interventions (Office of the Correctional

Investigator, 2024; Public Safety Canada, 2023b).

CONCLUSION

Canada’s youth justice crisis doesn’t begin in courtrooms—it starts in classrooms and homes, where trauma is often ignored or punished. In the absence of mental health supports, primary and secondary school suspensions and unaddressed bullying often escalate to the point where police involvement becomes the default response, pushing already marginalized youth toward the justice system. With the right support, young people can heal and thrive.

Despite increased investment in student services, without a standardized national framework to track student well-being and prevent justice-system involvement, Canada remains reactive instead of proactive. This gap is compounded by the funding instability of many prevention programs and the fact that most available evaluations—and examples in this article—are from Ontario and British Columbia. It also intersects with systemic challenges such as the overrepresentation of Indigenous youth, the impact of intergenerational trauma, and the role of substance use as a form of self-medication. Together, these factors add up to missed opportunities for early prevention, reinforcing what many describe as the school-to-prison pipeline.

Prevention is possible when systems work together—when schools, communities, health care providers, and justice professionals adopt a shared, trauma-informed approach rooted in care, not punishment. If we listen to the stories behind the behaviour and respond with evidence-based supports, we can change outcomes.

By focusing on care instead of punishment, and on healing instead of harm, and by directing sustained funding toward efforts grounded in research and proven practice, stakeholders can ensure that more school-aged youth are met with compassion, not criminalization.

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RÉSUMÉ

Healing Roots, Preventing Harm: Trauma, Mental Health, and Early Intervention to Protect At-Risk Youth from Criminalization

ROSMERY FERNANDEZ

Rosmary Fernandez, avocate formée à l'étranger et défenseure des intérêts communautaires au Canada, montre comment les traumatismes, les troubles de santé mentale et les dépendances non traitées peuvent mener des jeunes marginalisés vers le système de justice pénale. Elle souligne le passage de l'école à la prison et l'urgence d'approches axées sur les traumatismes dans les domaines de l'éducation, de la justice et de la santé. Selon elle, des programmes prometteurs comme SNAP® (Stop Now and Plan), des initiatives de guérison autochtones et des interventions scolaires donnent de bons résultats, mais sont rarement évalués de manière systématique. Le Canada ne dispose pas d'un cadre national pour en mesurer les effets, limitant ainsi la constitution d'une base de données probante. À partir d'exemples en Ontario et en Colombie-Britannique, son analyse met en évidence la nécessité d'une réforme intersectorielle et d'un cadre uniforme pour éviter que des crises vécues par les jeunes ne mènent à la criminalisation.

Book-Review Article by Miranda Henderson¹ of *The Corporation: The Pathological Pursuit of Profit and Power* by Joel Bakan²

Penguin Random House Canada. 2004. 228 p.

MIRANDA HENDERSON

In this timely and incisive book-review article, Miranda Henderson revisits Joel Bakan's 2004 classic The Corporation: The Pathological Pursuit of Profit and Power by connecting its core arguments to current Canadian realities. She underscores the book's enduring relevance amid record corporate profits, weak regulation, and widening inequality. Henderson distills Bakan's central claim—that corporate law incentivizes antisocial behaviour—and explores its implications for justice and governance. By linking corporate conduct to strain theory and real-world cases, she offers a compelling introduction for readers newly engaging with Bakan's critique. Dr. John Winterdyk, Justice Report Book Review Editor.

The Corporation is an excellent book, both timely and increasingly relevant. Although published in 2004, its critique of unchecked corporate power still resonates, as critics warn about governments being “run like a business” (Burris, 2021) and Canadians face rising grocery prices even as corporate grocery chains report record profits. Joel Bakan, the book's author, explores the corporation as an institution by drawing on academic research, legal precedent (his area of expertise) and case studies. He explains the history of the corporation that contextualizes its present and casts a dark shadow on the future. Despite the diverse and complex sources that it draws from, Bakan does an excellent job of simplifying, contextualizing, and explaining them, providing robust and nuanced arguments that foster understanding. One of the most unique and impactful aspects of the book is his assertion that corporations behave like “psychopaths who lack any sense of moral conviction and who have the power and motivation to cause harm and devastation in

the world” (Bakan, 2004, p. 110). He supports his argument by citing the work of psychologist Robert Hare to show that corporations exhibit similar traits to psychopaths.

Bakan argues that corporations are rewarded for conduct exhibiting psychopathic traits – such as paying fines that are pennies on the dollar compared to the profit they make when they cause destruction through things like oil spills and deforestation – that would be criminal if committed by individuals. Nevertheless, the U.S. budget proposal (2026) includes a 55% cut to the Environmental Protection Agency (EPA), eliminating clean energy research, toxic waste cleanup and an environmental justice program (Washington Post, 2025). Social harm also occurs when corporations pay workers a fraction of what they sell items for (287 times as much for some clothing brands) and treat fines for unethical/harmful behaviour as routine costs of doing business (Bakan, 2004).

1. The reviewer, Miranda Henderson, holds a BA in Criminal Justice from Mount Royal University (Calgary, AB) 2mirahenderson@gmail.com

2. Joel Bakan is a Canadian law professor at the University of British Columbia, author, and filmmaker known for his critiques of corporate power.

Just as psychopaths cannot sustain enduring relationships, corporations pursue cheap labour at almost any cost (Achbar & Abbot, 2017). In 2014, Heinz closed its factory in Leamington, Ontario, after over a century to move its operations to the U.S., eliminating 700 jobs and leaving farmers with excess produce (CBC Docs, 2023). French's used this to enter the Canadian ketchup market, advertising their ketchup as being made in Canada (CBC Docs, 2023). Bakan's newer book, *The New Corporation: How "Good" Corporations Are Bad for Democracy*, looks at how corporations present themselves as social justice/environmental allies to deepen their control and avoid accountability (Bakan, 2020).

One of the book's strengths is its analysis of the legal underpinnings of corporations e.g., corporate personhood and limited liability. Bakan examines how court decisions have led corporations to act like psychopaths. The Ford case is one of the most telling: Ford was sued for attempting to use profits to benefit consumers by implementing price reductions and wage increases, thereby violating its duty to shareholders (Bakan, 2004). The lawsuit was successful, with the court ruling that a corporation's primary obligation is to maximize shareholder profit (Bakan, 2004), essentially turning the corporation into a obligatory psychopath.

In line with Bakan's argument, the recent rise in food costs has intensified public criticism of large grocery chains. They post record profits even as ordinary people struggle to put food on their tables. Just five chains control nearly 76% of food retail in Canada, which adds up to lack of competition and price manipulation (Karst, 2023). As food insecurity rises, so too does theft, shoplifting, and social unrest/aggressive behaviour (Bundale, 2022), consistent with classical strain theory in criminology. When rising costs make it harder for people to access food, the divide between a deeply ingrained societal expectation/goal (supporting oneself) and legitimate opportunities to achieve it widens, leading to increased deviance and crime (Nickerson, 2023).

While *The Corporation* is commonly critiqued for presenting the "what" of changing the system but lacking the "how", it is also true that Bakan uses inspirational case studies to show how people can work together to challenge corporate power. For example, in Cochabamba, Bolivia, citizens successfully fought against water privatization imposed by the government in partnership with a multinational corporation under a program influenced by the World Bank and the International Monetary Fund (IMF) (Bakan, 2004).

Here at home, we are seeing a growing movement to buy Canadian products rather than U.S. products in response to the trade war and threats of annexation: 91% of Canadians are prioritizing Canadian products over U.S. ones, with 71% willing to pay more for them (Marketing News Canada, 2025). Tourism has also taken a major hit, with travel to the U.S. by Canadians (by car) down 33% from last year (Kelleher, 2025). Since corporations exist primarily to generate profits at the expense of almost everything else, Bakan argues that voting with your wallet can be a meaningful, everyday way to promote change.

Joel Bakan's *The Corporation* remains a powerful, accessible critique of corporate behaviour. He shows how weak penalties let corporations treat harmful, criminal-like conduct as just a cost of doing business – practices that drive up costs and fuel the kind of social strain that criminology links to deviance and crime. The book is easy to read and understand, though the wealth of highly detailed examples can make it hard to recall a specific case without taking notes. Despite the complexity of its sources, Bakan simplifies them effectively, which is essential to the book's goal of fostering meaningful changes by empowering people to support meaningful government regulations that hold corporations accountable (Bakan, 2004) -- a message more urgent now than ever.

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RÉSUMÉ

Book Review Article by Miranda Henderson of
The Corporation: The Pathological Pursuit of Profit and Power by Joel Bakan

Penguin Random House Canada. 2004. 228 p.

MIRANDA HENDERSON

Dans cette recension incisive, Miranda Henderson revisite le classique de 2004 de Joel Bakan, *The Corporation: The Pathological Pursuit of Profit and Power*, en reliant ses arguments aux réalités canadiennes actuelles. Elle souligne la pertinence durable de l’ouvrage face aux profits records, à la réglementation affaiblie et aux inégalités croissantes. Henderson résume la thèse centrale de Bakan—selon laquelle le droit des sociétés encourage des comportements antisociaux—et en explore les conséquences pour la justice et la gouvernance. En liant ces idées à la théorie de la tension et à des exemples concrets, elle propose une introduction percutante à cette critique essentielle.

GUEST BOOK REVIEW EDITOR DR. ANDRÉ NORMANDEAU [UNIVERSITÉ DE MONTRÉAL]

Book-Review Article by John Langdale (AU) of *Dirty Money: Financial Crime in Canada* by Christian Leuprecht and Jamie Ferrill

JOHN LANGDALE

Honorary Research Fellow, School of International Studies, Macquarie University, Australia

Guest Book Review Editor Dr. André Normandeau brings an article-review by John Langdale of Dirty Money: Financial Crime in Canada offering a critical examination of money laundering and illicit financial flows (IFFs) in Canada. Edited by Leuprecht and Ferrill, the edition bridges academic and practitioner insights to explore the country's vulnerability to financial crime, including transnational laundering networks linked to fentanyl trafficking. Reviewer John Langdale (AU) highlights key themes: ineffective federal oversight, under-resourced AML regimes, and blind spots in Canada's regulatory framework. Chapters cover underground banking, trade-based laundering, cryptocurrency risks, and geopolitical exploitation by state actors. While at times repetitive, the book succeeds in raising urgent questions about policy failures and enforcement gaps, with Langdale calling for coordinated action across jurisdictions.

INTRODUCTION: DIRTY MONEY AND CANADA'S AML BLIND SPOTS

The book is a very important addition to the literature on Canada's financial crime. It also provides a background to the current storm over the extent to which Canada is involved in fentanyl trafficking into the U.S., since money laundering is a key component of this crime. While President Trump's attacks on Canada focus on fentanyl trafficking, it is clear that U.S. law enforcement officials have for many years felt that Canada is a "weak link" in terms of illicit financial flows (IFFs) associated with illegal drug trafficking.

A Groundbreaking Collaboration on Financial Crime

The book was conceived as an effort to raise the profile of the insidious nature of financial crime and aims to bridge the interlinkages between professional expertise and research on dirty money.

The book is a first in considering dirty money in Canada and the editors acknowledge that it is a difficult area to come to grips with. It aims to raise the level of informed debate in the hope of spurring policy makers to examine the pressing problems facing anti-money laundering (AML) initiatives both at federal and provincial levels.

Structural and Regulatory Weaknesses

One of the reasons for the lack of interest in dirty money is that it is difficult to clearly identify these flows. Canada is not alone in this predicament. In general, IFFs are often talked about, but are very difficult to define, either at a domestic or an international level.

The introductory chapters outline the nature of the dirty money problem in Canada (German; Cockfield), as well as providing a critical assessment

of the Canadian state's approaches to fixing money-laundering issues (Leuprecht and Ferrill). Their case study of money laundering and contraband tobacco was interesting, since it illustrated the broader problems of short-termism prevalent in addressing money laundering. Finally, in this section a critical assessment is made between the Canadian state's opposition to money laundering versus the reality of Canada's ongoing money laundering problems (Ahmed). Ahmed raises an important point about money laundering and law enforcement in general: To what extent do states prioritise the goals of minimising money laundering? Frequently, other goals such as foreign policy or maximising economic growth take priority. This conflict was clearly present in the B.C. money laundering case, but exists in many other countries as well.

EXPANDING THE LENS: UNDERGROUND BANKING, TBML, AND CRYPTOCURRENCIES

Canada's failings in combatting dirty money are extensively outlined in later chapters (Meunier; Clement), as well as the weaknesses of the Canadian financial regulator (FINTRAC) (McNaughton). Later chapters shift the focus to the role of underground banking (Dugas, Pomerleau and Maimon), as well as the role of trade-based money laundering (TBML) (Cassara; Hataley and Ferrill). Underground banking and TBML are key issues in money laundering. The final chapter in this section is Schneider's analysis of task specialisation in organised criminal groups with respect to money laundering.

The next section considers such issues as the policy challenges posed by cryptocurrencies (Jenkins, Leuprecht and Hamilton) and the possibilities of public-private partnerships in combatting dirty money (Simpson and Field). In addition, Gallant examines how Canadian laws need to be aligned with emerging trends in transnational crime. In the final chapter (Simser) Canada's vulnerabilities to money laundering are examined, and he considers how to achieve improved AML outcomes in a federal system with complex relationships between different levels of government.

The editors claim that the book is the first to pull practitioners and academics together to consider

the topic of dirty money. They are correct. Most criminologists have focused either on domestic and/or transnational crime, whereas IFFs tend to be put into the "too hard" basket.

A minor criticism of the book is that there is some repetition among the contributors. The federal government's failings with respect to AML are a key theme in the book, but there is some repetition in terms of the general issues. It would have been more useful to have some case studies to illustrate these failings rather than general comments.

It is not possible to fully consider all the issues raised by this important work, but I would like to pick up a few themes. The editors point out that Canada has a complex and cumbersome set of federal and provincial government regulations covering AML. On the other hand, the country is faced with financial crime operators that are "flexible, highly adaptive and dynamic". It is little surprise who wins. Cockfield's chapter raises extremely important issues associated with IFFs, namely, the role of tax havens in Canadian financial crime. Far too often, researchers focus on the narrow definition of money laundering, rather than considering the broader IFF flows associated with corruption and tax avoidance. It is a pity that some of Cockfield's arguments were not developed by other authors, since his paper is very much a stand-alone one.

Numerous authors highlight the role of transnational crime and the interrelationships with IFFs. The authors identify that financial intelligence units (FIUs) tend to limit their focus to their respective state jurisdictions. However, professional money launderers specialise in making illicit flows appear perfectly legal to authorities in one jurisdiction, but the agencies are oblivious to the global flows.

Meunier is critical of the effectiveness of the FATF approach to AML in Canada. A very small percentage of money laundering transactions are ever prosecuted. The ongoing failures in AML investigations are nicely outlined by Clement. The issue is less about imposing even more regulations on banks, financial institutions and other users; rather it is more about looking at the interrelationships between transnational crime and

dirty money. For example, German's (2018, 2019) reports for the B.C. government did a great job on integrating transnational crime and dirty money flows in B.C. However, there has been a conspicuous silence from Ottawa over a parallel investigation at a national level.

The Cullen Inquiry investigating money laundering in B.C. found that Canada's intelligence and law enforcement agencies, along with the federal AML regime was woefully inadequate. While the government rhetoric may talk up the threat of dirty money, the reality is that coordinated action is lacking. Numerous authors in the book have identified that the Federal government has been intermittently concerned about money laundering, but often the funding is inadequate or that experienced staff are transferred to other law enforcement units (Leuprecht and Ferrill).

CONCLUSION: A WAKE-UP CALL FOR CANADIAN POLICY

The editors and authors are to be congratulated for a thorough analysis of Canada's dirty money problem. It is to be hoped that the Canadian federal and provincial governments will take to heart the criticisms of their policy failures in this area. Canadian governments cannot continue the old policies of "muddling through"—the situation is far too serious for a continuation of the status quo.

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RÉSUMÉ

Special Feature: Article-Review by JOHN LANGDALE* (AU) of Dirty Money: Financial Crime in Canada By Christian Leuprecht and Jamie Ferrill

Montreal: McGill-Queen's University Press. 2023. P.

JOHN LANGDALE

Chercheur associé honoraire
École des études internationales, Macquarie University, Australie

Rédacteur de livres invité M. André Normandeau nous propose cet article-recension du livre *Dirty Money : Financial Crime in Canada* qui offre une analyse approfondie et critique du blanchiment d'argent et des flux financiers illicites (FFI) au Canada. Dirigé par Leuprecht et Ferrill, l'ouvrage rassemble des experts issus du milieu universitaire et professionnel pour explorer la vulnérabilité du pays face à la criminalité financière, notamment en lien avec le fentanyl. Le recenseur John Langdale met en lumière plusieurs enjeux : la faiblesse de la surveillance fédérale, le sous-financement des régimes de lutte contre le blanchiment et les angles morts dans la réglementation canadienne. Les chapitres traitent aussi du blanchiment fondé sur le commerce, des banques clandestines, des cryptomonnaies et de l'ingérence géopolitique. Langdale appelle également à une action concertée.

Délinquance juvénile au Maroc: la liberté surveillée comme choix de traitement en milieu ouvert

CHAHID SLIMANI

Enseignant-Chercheur, Professeur de Criminologie à l'université Sidi Mohamed Ben Abdellah, Fès, Maroc.

Chahid Slimani (2022) présente la liberté surveillée, une forme de probation juvénile et une mesure clé de milieu ouvert dans le système de justice des mineurs au Maroc. Codifiée à l'article 481 du Code de procédure pénale, elle permet aux juges de maintenir un mineur à domicile ou dans un environnement approprié, tant en phase provisoire (avant le prononcé de la peine) qu'en phase définitive (après le prononcé). L'article expose les bases juridiques et la mise en œuvre de cette mesure, notamment la marge d'appréciation du juge et le rôle des délégués à la protection de la jeunesse. Slimani plaide pour un usage élargi de cet outil afin de soutenir l'observation, l'évaluation et la planification de la réinsertion, en alternative à la détention.

INTRODUCTION

Privilégier l'orientation vers des programmes de traitement et d'accompagnement plutôt que de recourir à des mesures répressives offre une voie prometteuse pour réduire la récidive chez les jeunes délinquants. Le juge marocain dispose d'un éventail de mesures variées, notamment la liberté surveillée, ce que constitue la seconde mesure de protection et de rééducation énoncée à l'article 481 du code de procédure pénale marocain. Il est confirmé que l'article 481 s'applique bien aux mineurs : "Pour les mineurs âgés de 12 à 18 ans, la section pour mineurs peut, dans des cas exceptionnels... remplacer ou compléter les mesures prévues à l'article 481..." (Maroc, rapport initial CRC, 2020).

Ces mesures vont de la détention à la probation afin de garantir que la réponse judiciaire soit adaptée à la situation individuelle du mineur. Ces pratiques s'inscrivent dans les engagements du Maroc envers la Convention relative aux droits de l'enfant, qui souligne l'importance de mesures éducatives et de réinsertion, comme la liberté surveillée, dans les systèmes juridiques nationaux (Comité des droits de l'enfant, 2012).

Cependant, malgré ce cadre juridique, la mise en œuvre est toujours inégale -- comme l'étude d'El Khadija (2020) a souligné, le système reste insuffisant pour répondre aux besoins actuels des jeunes en conflit avec la loi, ce qui laisse entrevoir l'urgence de réformes concrètes.

Cette réalité rejoint les analyses de Chauvenet et Orlic (2002) qui distinguent nettement la fonction sociale des peines exécutées en milieu ouvert par rapport à celles en prison, en soulignant une disjonction entre sentence et exécution qui influence la perception et l'efficacité des sanctions. Cette orientation est également en phase avec les analyses de Cario (2000), qui plaidait pour des réponses éducatives et personnalisées aux ruptures sociales vécues par les jeunes en conflit avec la loi.

Il s'agit de la phase provisoire (I) et définitive (II) de la liberté surveillée comme mesure de réinsertion communautaire. Comme l'a montré El Khadija (2020), l'article 481 constitue un pilier du droit des mineurs au Maroc, en encadrant les mesures éducatives hors détention, notamment la probation. Cependant, comme le souligne une revue récente de la législation de la justice juvénile au Maroc, ce cadre

demeure souvent insuffisant pour répondre aux besoins actuels (El Khadija, 2020).

LA LIBERTÉ SURVEILLÉE EN PHASE PROVISOIRE AU MAROC : UN SOUTIEN PRÉVENTIF AVANT JUGEMENT

Cette étape implique la mise en place de deux solutions temporaires en attendant la décision définitive : soit renvoyer le mineur à ses parents, à son tuteur légal, à la personne en charge de sa tutelle, ou à un individu de confiance, soit envisager une mesure de liberté surveillée. Dans certains cas, cette mesure d'accompagnement peut être mise en place avant même le prononcé de la peine, dans le cadre d'une liberté surveillée provisoire, afin de soutenir le mineur pendant l'examen de son affaire.

Il convient de souligner que cette mesure se distingue par le fait qu'elle remplit trois fonctions essentielles : observation, évaluation et accompagnement. Le caractère d'observation implique de rechercher les éléments fondamentaux permettant au juge de mieux cerner le contexte et les besoins du mineur. Observer le mineur dans son environnement habituel aide à comprendre ses besoins réels, ce que souligne également Ringa (1998) en insistant sur l'influence déterminante du contexte familial et social sur les trajectoires délinquantes. La phase d'observation oriente ensuite les mesures judiciaires.

Cette approche limite les effets négatifs d'une détention séparée. Au sein de chaque ressort de Cour d'appel, la supervision et l'accompagnement éducatif des mineurs placés sous probation sont assurés par des délégués spécialisés. Ce délégué joue un rôle d'accompagnement judiciaire et social. Son rôle consiste à guider le jeune dans ses démarches de réinsertion. Le délégué devient un relais entre le juge et le jeune. Cette approche relationnelle complète le suivi judiciaire. De manière générale, le délégué établit un portrait global du jeune. Il consulte les proches et les intervenants. Ces échanges peuvent aider à éviter des mesures plus coercitives.

LA LIBERTÉ SURVEILLÉE À L'ESSAI : VERS UNE RÉINSERTION PROGRESSIVE DES MINEURS

Cette mesure vise la réintégration progressive du jeune. Conformément au Code de procédure pénale, les tribunaux peuvent ordonner une probation temporaire, dont la durée est fixée par eux. L'ordonnance devrait spécifier les obligations imposées au mineur : lieu de résidence, fréquentations, conditions de garde, etc. En cas de réussite, une mesure de suivi allégée peut être accordée. En cas d'échec, le tribunal a la possibilité de prononcer une décision adaptée, qui peut consister en une mesure stricte ou encore placement en milieu fermé à visée éducative.

LA LIBERTÉ SURVEILLÉE DÉFINITIVE UN ENCADREMENT DURABLE EN MILIEU OUVERT AU MAROC

Selon les dispositions du Code de Procédure Pénale, le juge peut accorder une probation à long terme. Le Code n'en fixe pas la durée, la laissant au juge la déterminer en fonction du cas et de l'âge du mineur. Cet objectif vise à assurer une réinsertion durable. Le délégué poursuit son accompagnement. Toutefois, si les conditions du milieu ouvert semblent inadaptées, le juge peut ordonner un placement en milieu fermé.

CONCLUSION

Il est primordial de mettre l'accent sur la réinsertion sociale plutôt que sur la punition. Un accompagnement adapté permet au jeune de mieux comprendre son comportement et de s'engager vers le changement (Slimani 2022). La liberté surveillée, une forme de probation prévue à l'article 481 du Code de procédure pénale marocain, incarne cette approche axée sur la réinsertion sociale. Cela permet d'éviter la détention tout en maintenant un encadrement. Toutefois, comme l'ont souligné Bassou et Kidai (2019), il existe parfois un écart entre les textes juridiques et leur mise en œuvre effective, notamment en ce qui concerne le suivi des mesures en milieu ouvert.

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RÉSUMÉ

Délinquance juvénile au Maroc : la liberté surveillée comme choix de traitement en milieu ouvert

CHAHID SLIMANI (MAROC)
Université Sidi Mohamed Ben Abdellah (Maroc)

Chahid Slimani (2022) presents liberté surveillée, a form of juvenile probation and a key open-environment measure in Morocco’s youth justice system. Codified in Article 481 of the Code of Criminal Procedure, it allows judges to maintain a minor in their home or another appropriate setting, both during the provisional phase (before sentencing) and the definitive phase (after sentencing). This article outlines the legal foundations and operational structure of this measure, including judicial discretion and the role of youth protection delegates. Slimani advocates for broader use of this tool to support observation, assessment, and reintegration planning as an alternative to custody.

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